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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,223	07/22/2003	Jeff Hodson	6065-88620	6950
24628 7590 03/02/2007 WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER LU, CHARLES EDWARD	
			ART UNIT 2161	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/624,223	Applicant(s) HODSON ET AL.	
	Examiner Charles E. Lu	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/8/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to the Request for Continued Examination dated 1/19/2007. Claims 1-30 are pending. Claims 1-30 are rejected.
2. Remarks concerning the 35 U.S.C. 103 rejections have been fully considered but are moot in view of the new grounds of rejection presented below. Applicant's amendments to the claims change the scope of the invention and necessitate new grounds of rejection.

Claim Objections

3. **Claim 18 is objected to because of the following informalities:**

As to claim 18, line 3, the word "it" should be changed to the transmission for additional clarity. The claim will be interpreted in the manner discussed above. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1-17 and 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al of record (U.S. Patent 6,724,887) in view of Ulrich (U.S. Patent 6,895,438).**

As to claim 1, Eilbacher teaches the claimed subject matter including:

Compiling performance reports (col. 10, ll. 50-62) in a contact center (fig. 5, #201) serving a plurality of clients (fig. 3, #100) using a plurality of agents (fig. 3, #104);

Opening a transaction file (col. 10, ll. 28-44) for saving information about exchanges (col. 6, ll. 1-8) between an agent of the plurality of agents and a client of the plurality of clients;

Measuring indicia of activity for asynchronous Internet transactions (e.g., satisfactory or unsatisfactory experience, col. 12, ll. 54-55, or various captured data, col. 10, ll. 27-44, including email communications, fig. 5, #202) for the exchanges between the agent and client.

Adding the measured indicia of activity to the transaction file (col. 12, ll. 54-64, col. 11, ll. 50-54, col. 10, ll. 27-61); and

Compiling a report based upon the transaction file (col. 9, ll. 57-67, col. 12, ll. 54-64).

As to the teaching of asynchronous transactions, see fig. 5, #202 and related description). An email transaction is such a transaction because it is an intermittent transaction in which data is created and then transmitted, consistent with the description in Applicant's specification (p. 10).

Eilbacher does not expressly teach an effort value, which represents effective effort, associated with each transmission within each transaction.

However, Eilbacher further discloses that communication can include e-mails and phone conversations between agent and client (fig. 5, col. 6, ll. 1-7). Many types of communications are analyzed (fig. 7). As discussed above, e-mails are asynchronous.

Furthermore, Ulrich discloses analysis of communications (fig. 3) and assigning an effort value, which represents effective effort associated with each email transmission within each transaction (e.g., col. 7, l. 35 – col. 8, l. 67, col. 10, l. 13 – l. 49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above, such that e-mail conversations are to be processed/analyzed like phone conversations, conversations are additionally analyzed in the manner disclosed by Ulrich, and that an effort value is recorded with Internet email communications between agent and client. The effort value would reflect effective effort associated with the transaction, as claimed. The motivation would be to provide a measure of time usage and whether those demands on time are in line with organizational priorities, as taught by Ulrich (col. 10, ll. 46-49).

As to claim 2, Eilbacher as modified above further teaches wherein the step of opening the transaction file further comprises detecting an initial contact between the agent and the client (e.g., caller initiated transaction, col. 9, ll. 10-20), and tagging subsequent transmissions as belonging to the transaction (col. 9, l. 10-50). Note that the tagging has to occur or else the system would not know what communications to group together into a customer experience (col. 9-10).

As to claim 3, Eilbacher as modified above teaches identifying a prior contact of an agent involving the client (col. 13, ll. 1-40, col. 5, ll. 22-25). Contacts of an agent are stored in a database (col. 10, ll. 27-44).

Eilbacher does not expressly teach wherein a prior contact list of the agent is searched to identify prior contacts, or wherein the searching is performed when the initial contact is detected between the agent and client.

However, Eilbacher teaches detecting initial contact (using cradle to grave recording, col. 9, ll. 14-20), and storing the agent's communications in a database (col. 10, ll. 28-44). The database stores the customer and the agent (col. 10, ll. 36-39), and marks unsatisfactory communications (col. 11, ll. 51-53).

Furthermore, Ulrich discloses a contact list (fig. 3A-3B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above, such that unsatisfactory contacts with customers (Eilbacher, col. 11, ll. 51-53) are stored in a list. The motivation would have been to facilitate knowing if the agent had a previous conversation(s) with the customer (by searching a smaller list, instead of potentially the entire customer database), and to inform the agent when contact is established that he/she is speaking to a customer with a previous unsatisfactory experience, as taught by Eilbacher (col. 5, ll. 22-25).

As to claim 4, Eilbacher as modified above further teaches wherein the step of measuring the indicia of activity further comprises counting a number of exchanges between the agent and the client (e.g., number of conversations or number of transfers, col. 10, ll. 13-17).

As to claim 5, Eilbacher as modified above further teaches wherein the exchanges comprise email (see fig. 5 and related text).

As to claim 6, Ulrich as applied above further teaches wherein the effort value is determined based upon the character length of the transmission (see discussion above).

As to claim 7, Eilbacher as modified above further does not expressly teach how much time has elapsed between successive transmissions of each asynchronous transaction.

However, Eilbacher teaches a “wait time” col. 6, ll. 35-40 and measuring the amount of time a customer is on hold (see description for figs. 2-3). The time on hold can be an elapsed time between successive communications. Eilbacher also teaches recording start/end times for communication, and states that all data associated with customer-agent communication can be recorded (col. 8, ll. 50-65).

Since e-mail conversations are to be treated like phone conversations as discussed above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above, such that elapsed time between successive transmissions of asynchronous transactions are determined and recorded. The motivation would have been to facilitate customer experience analysis, taught by Eilbacher (col. 11, col. 6, ll. 35-40).

As to claims 8, 9 and 11, Eilbacher and Ulrich as applied above further teaches segregating exchanges between the agent and client from other exchanges between other agents and other clients (Eilbacher, col. 10, ll. 36-44), and from other exchanges between the agent and the client (using a time stamp for an exchange between agent and client, col. 10, l. 37), further comprising correlating an identifier of the agent and

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client with the transaction file (i.e., customer and agent identification, col. 10, ll. 36-37). Since every transaction is marked by a time stamp, agent name, customer name, etc., each exchange is segregated from other exchanges between agents and other clients, as well as the agent and the client, because the other transactions are marked with different time stamps, agent names, and customer names. Furthermore, see Ulrich, fig. 3.

As to claim 10, Ulrich as modified above further teaches wherein correlating an identifier of the agent and client with the transaction file further comprises matching e-mail addresses of the agent and client to e-mail addresses within the transaction file (see fig. 3)

As to claim 12, Ulrich as applied above further teaches wherein segregating exchanges between the agent and client from other exchanges between the agent and client further comprises correlating a subject matter identifier field of the exchanges with a subject matter identifier of the transaction file (see fig. 3).

As to claim 19, Ulrich as applied above further teaches wherein word content of each exchange is used to determine whether different transmissions are part of one transaction or different transactions (see fig. 3).

As to claim 26, Eilbacher as modified above further teaches "selection processor...initial contact" as seen in claim 2 above, and determining a type for each transaction, and attaching a time stamp to each transmission within a transaction (col. 10, ll. 27-45).

As to claim 29, Ulrich as applied above further teaches wherein the effort value is determined using proportionality to calculate an equivalent time of effort (e.g., col. 7, l. 35 – col. 8, l. 67, col. 10, l. 13 – l. 49).

Claims 13-17, 20-28, and 30 are drawn to substantially the same invention as e.g., claims 1-6 and 8-12 discussed above.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al of record (U.S. Patent 6,724,887) in view of in view of Ulrich (U.S. Patent 6,895,438), further in view of Ichbiah (U.S. Patent 5,623,406).

As to claim 18, Eilbacher and Ulrich as applied above does not expressly teach wherein the effort value is determined based upon how long a transmission would have required had it been spoken.

However, Ulrich states that the duration (effort) is determined based on word per minute reading speeds (col. 8, ll. 5-11). Ichbiah states that normal speech is about 100 words per minute.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Eilbacher and Ulrich with the above, such that an effort value is additionally calculated based how long a message would have required if it had been spoken. The motivation would have been to adapt to the technical requirements of the user in setting up the system. For example, one may be motivated to support visually impaired and/or illiterate users, since these users may not be able to read text at the typical rate specified by Ulrich and will require speech to comprehend the communication. This is known to one of ordinary skill in the art.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached at (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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